

Senate File 70 - Enrolled

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SENATE FILE 70

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1 3 AN ACT
1 4 RELATING TO CRIME VICTIM COMPENSATION, EXCLUDING CERTAIN
1 5 VICTIM COMPENSATION PAYMENTS FROM INCOME TAXATION, AND
1 6 PROVIDING A RETROACTIVE APPLICABILITY DATE.
1 7
1 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 10 Section 1. Section 13.31, Code 2007, is amended by adding
1 11 the following new subsection:
1 12 NEW SUBSECTION. 7. Administer an automated victim
1 13 notification system as authorized pursuant to section 915.10A.
1 14 Sec. 2. Section 422.7, Code 2007, is amended by adding the
1 15 following new subsection:
1 16 NEW SUBSECTION. 50. Subtract, to the extent included, the
1 17 amount of victim compensation awards paid under the victim
1 18 compensation program, victim restitution payments received
1 19 pursuant to chapter 910 or 915, and any damages awarded by a
1 20 court, and received by the taxpayer, in a civil action filed
1 21 by the victim against the offender, during the tax year.
1 22 Sec. 3. Section 915.10, subsection 2, Code 2007, is
1 23 amended to read as follows:
1 24 2. "Registered" means having provided the county attorney
1 25 with the victim's written request for registration and current
1 26 mailing address and telephone number. ~~If an automated victim~~
~~1 27 notification system is implemented pursuant to section~~
~~1 28 915.10A, "registered"~~ "Registered" also means having provided
1 29 the county attorney notice in writing that the victim has
1 30 filed a request for registration with the automated victim
1 31 notification system established pursuant to section 915.10A.
1 32 Sec. 4. Section 915.10A, subsection 1, Code 2007, is
1 33 amended to read as follows:
1 34 1. An automated victim notification system ~~may be utilized~~
1 35 is established within the crime victim assistance division of
2 1 the department of justice to assist public officials in
2 2 informing crime victims, the victim's family, or other
2 3 interested persons as provided in this subchapter and where
2 4 otherwise specifically provided. The system shall disseminate
2 5 the information to registered users through telephonic,
2 6 electronic, or other means of access.
2 7 Sec. 5. Section 915.11, Code 2007, is amended to read as
2 8 follows:
2 9 915.11 INITIAL NOTIFICATION BY LAW ENFORCEMENT.
2 10 A local police department or county sheriff's department
2 11 shall advise a victim of the right to register with the county
2 12 attorney, and shall provide a request-for-registration form to
2 13 each victim. ~~If an automated victim notification system is~~
~~2 14 available pursuant to section 915.10A, a A local police~~
2 15 department or county sheriff's department shall provide a
2 16 telephone number and website to each victim to register with
2 17 the automated victim notification system established pursuant
2 18 to section 915.10A.
2 19 Sec. 6. Section 915.12, subsection 2, Code 2007, is
2 20 amended to read as follows:
2 21 2. ~~If an automated victim notification system is available~~
~~2 22 pursuant to section 915.10A, a A victim, the victim's family,~~
2 23 or other interested person may register with the automated
2 24 victim notification system established pursuant to section
2 25 915.10A by filing a request for registration through written,
2 26 telephonic, or electronic means.
2 27 Sec. 7. Section 915.80, subsection 2, Code 2007, is
2 28 amended to read as follows:
2 29 2. "Crime" means conduct that occurs or is attempted in
2 30 this state, poses a substantial threat of personal injury or
2 31 death, and is punishable as a felony or misdemeanor, or would
2 32 be so punishable but for the fact that the person engaging in
2 33 the conduct lacked the capacity to commit the crime under the
2 34 laws of this state. "Crime" does not include conduct arising
2 35 out of the ownership, maintenance, or use of a motor vehicle,
3 1 motorcycle, motorized bicycle, train, boat, or aircraft except
3 2 for violations of section 321.261, 321.277, 321J.2, 462A.7,
3 3 462A.12, 462A.14, or 707.6A, or when the intention is to cause

3 4 personal injury or death. A license revocation under section
3 5 321J.9 or 321J.12 shall be considered by the department as
3 6 evidence of a violation of section 321J.2 for the purposes of
3 7 this subchapter. A license suspension or revocation under
3 8 section 462A.14, 462A.14B, or 462A.23 shall be considered by
3 9 the department as evidence of a violation of section 462A.14
3 10 for the purposes of this subchapter.

3 11 Sec. 8. Section 915.86, subsections 1, 3, 5, 7, 8, and 12,
3 12 Code 2007, are amended to read as follows:

3 13 1. Reasonable charges incurred for medical care not to
3 14 exceed ~~fifteen~~ twenty-five thousand dollars. Reasonable
3 15 charges incurred for mental health care not to exceed ~~three~~
3 16 five thousand dollars which includes services provided by a
3 17 psychologist licensed under chapter 154B, a person holding at
3 18 least a master's degree in social work or counseling and
3 19 guidance, or a victim counselor as defined in section 915.20A.

3 20 3. Loss of income from work that the victim's parent or
3 21 caretaker would have performed and for which the victim's
3 22 parent or caretaker would have received remuneration for up to
3 23 three days after the crime or the discovery of the crime to
3 24 allow the victim's parent or caretaker to assist the victim
3 25 and when the victim's parent or caretaker accompanies the
3 26 victim to medical and counseling services, not to exceed one
3 27 thousand dollars per parent or caretaker.

3 28 5. Reasonable replacement value of clothing that is held
3 29 for evidentiary purposes not to exceed ~~one~~ two hundred
3 30 dollars.

3 31 7. Loss of support for dependents resulting from death or
3 32 a period of disability of the victim of sixty days or more not
3 33 to exceed ~~two~~ four thousand dollars per dependent.

3 34 8. In the event of a victim's death, reasonable charges
3 35 incurred for counseling the victim's spouse, children,
4 1 parents, siblings, or persons cohabiting with or related by
4 2 blood or affinity to the victim if the counseling services are
4 3 provided by a psychologist licensed under chapter 154B, a
4 4 victim counselor as defined in section 915.20A, subsection 1,
4 5 or an individual holding at least a master's degree in social
4 6 work or counseling and guidance, and reasonable charges
4 7 incurred by such persons for medical care counseling provided
4 8 by a psychiatrist licensed under chapter 147 or 150A. The
4 9 allowable charges under this subsection shall not exceed ~~three~~
4 10 five thousand dollars per person.

4 11 12. Reasonable charges incurred for mental health care for
4 12 secondary victims which include the services provided by a
4 13 psychologist licensed under chapter 154B, a person holding at
4 14 least a master's degree in social work, counseling, or a
4 15 related field, a victim counselor as defined in section
4 16 915.20A, or a psychiatrist licensed under chapter 147, 148, or
4 17 150A. The allowable charges under this subsection shall not
4 18 exceed ~~one~~ two thousand dollars per secondary victim.

4 19 Sec. 9. Section 915.86, Code 2007, is amended by adding
4 20 the following new subsections:

4 21 NEW SUBSECTION. 13. Reasonable dependent care expenses
4 22 incurred by the victim, the victim's parent or caretaker, or
4 23 the survivor of a homicide victim as described in subsection
4 24 10 for the care of dependents while attending criminal justice
4 25 proceedings or medical or counseling services, not to exceed
4 26 one thousand dollars per person.

4 27 NEW SUBSECTION. 14. Reasonable expenses incurred by a
4 28 victim, the victim's parent or caretaker, or the survivor of a
4 29 victim as described in subsection 10 to replace locks,
4 30 windows, and other residential security items at the victim's
4 31 residence or at the residential scene of a crime, not to
4 32 exceed five hundred dollars per residence.

4 33 NEW SUBSECTION. 15. Reasonable expenses incurred by the
4 34 victim, a secondary victim, the parent or guardian of a
4 35 victim, or the survivor of a homicide victim as described in
5 1 subsection 10 for transportation to medical, counseling,
5 2 funeral, or criminal justice proceedings, not to exceed one
5 3 thousand dollars per person.

5 4 Sec. 10. Section 915.94, Code 2007, is amended to read as
5 5 follows:

5 6 915.94 VICTIM COMPENSATION FUND.

5 7 A victim compensation fund is established as a separate
5 8 fund in the state treasury. Moneys deposited in the fund
5 9 shall be administered by the department and dedicated to and
5 10 used for the purposes of section 915.41 and this subchapter.
5 11 In addition, the department may use moneys from the fund for
5 12 the purpose of the department's prosecutor-based victim
5 13 service coordination, including the duties defined in sections
5 14 910.3 and 910.6 and this chapter, and for the award of funds

5 15 to programs that provide services and support to victims of
5 16 domestic abuse or sexual assault as provided in chapter 236,
5 17 ~~and to victims of section 710A.2, and for the support of an~~
5 18 ~~automated victim notification system established in section~~
5 19 ~~915.10A.~~ The department may also use up to one hundred
5 20 thousand dollars from the fund to provide training for victim
5 21 service providers. Notwithstanding section 8.33, any balance
5 22 in the fund on June 30 of any fiscal year shall not revert to
5 23 the general fund of the state.

5 24 Sec. 11. RETROACTIVE APPLICABILITY DATE. The section of
5 25 this Act amending section 422.7 applies retroactively to
5 26 January 1, 2007, for tax years beginning on or after that
5 27 date.

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JOHN P. KIBBIE
President of the Senate

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PATRICK J. MURPHY
Speaker of the House

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I hereby certify that this bill originated in the Senate and
is known as Senate File 70, Eighty-second General Assembly.

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MICHAEL E. MARSHALL
Secretary of the Senate

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Approved _____, 2007

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CHESTER J. CULVER

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Governor